

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Joseph D. Plymale,

Petitioner,

v.

Case No. 2:17-cv-832

Warden, Ross Correctional
Institution,

Respondent.

ORDER

Petitioner, an Ohio inmate, filed the instant habeas corpus action pursuant to 28 U.S.C. §2254 against the Warden of the Ross Correctional Institution, asserting claims relating to his state court convictions for aggravated murder, aggravated robbery, having weapons while under a disability, tampering with evidence, and a firearm specification. On April 2, 2019, the magistrate judge filed a report and recommendation in which he recommended that the petition be denied with prejudice.

The report and recommendation specifically advised the parties that objections to the report and recommendation were due within fourteen days, and that the failure to object to the report and recommendation "may forfeit rights on appeal." Doc. 10, p. 12. The time period for filing objections to the report and recommendation has expired, and no objections to the report and recommendation have been filed.

The court agrees with the report and recommendation, and the court hereby adopts the report and recommendation (Doc. 10). The petition is dismissed with prejudice. Because reasonable jurists would not disagree with this conclusion, the court certifies that any appeal would be objectively frivolous. The court denies a

certificate of appealability, and petitioner should not be permitted to proceed *in forma pauperis*.

Date: April 25, 2019

s/James L. Graham
James L. Graham
United States District Judge